IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5269 of 2007()

CRIME NO. 207/07 OF KOZHINJAMPARA POLICE STATION

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PETITIONERS/ACCUSED 1 TO 4

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1. KRISHNAN, S/O.PAKIRIPARAMBIL KAKKU, BAIJU BHAVAN, KERALADHEESWARAPURAM AMSOM, THANALOOR VILLAGE, TIRUR TALUK, MALAPPURAM DISTRICT.

2. KOMALAM, D/O.KULANGARA VELAYUDHAN, AGED 59 YEARS, BAIJU BHAVAN, KERALADHEESWARAPURAM AMSOM, THANALOOR VILLAGE, TIRUR TALUK, MALAPPURAM DISTRICT.

3. BAIJU, S/O.KRISHNAN, AGED 32, BAIJU BHAVAN, KERALADHEESWARAPURAM AMSOM, THANALOOR VILLAGE, TIRUR TALUK, MALAPPURAM DISTRICT.

4. SHYJU, S/O.KRISHNAN, AGED 27 YEARS, BAIJU BHAVAN, KERALADHEESWARAPURAM AMSOM, THANALOOR VILLAGE, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5269 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 4. They face allegations inter alia under Section 420 I.P.C. The crime was registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C.

2. The crux of the allegations against the petitioner is that they had received a total amount of Rs.7.5 lakhs for sale of an item of property as per an agreement. But the petitioners did not perform that agreement and fraudulently disposed of the property to others while such agreement was in force. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances to which I have already made brief reference that anticipatory bail can be granted to the petitioners. It is unnecessary in these circumstances to advert to facts in greater detail. Appropriate conditions can of course be imposed.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/09/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 15/09/2007 and 16/09/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 14/09/2007, they shall be released from custody on their executing bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/09/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007